

**FULBRIGHT & JAWORSKI L.L.P.**  
 A REGISTERED LIMITED LIABILITY PARTNERSHIP  
 600 CONGRESS AVENUE, SUITE 2400  
 AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201

FACSIMILE: 512/536-4598

MAY 03 2006

**FACSIMILE TRANSMISSION FROM: 512.536.4598**  
 If any difficulties occur during transmission, **512.474.5201**

**DATE:** May 3, 2006 **FILE:** OMRF:050US  
 10407982

**TO:** MS PATENT APPLICATION

**COMPANY:** United States Patent and Trademark Office

**FAX NO.:** 571-273-8300

**FROM:** Steven L. Highlander **SENDER'S**  
**PHONE:** (512) 536-3184

**RETURN**  
**ORIGINAL TO:** Christopher Jackson **FLOOR:** 20th

**NO. OF PAGES TOTAL: 2** **ORIGINAL: WILL NOT FOLLOW**

**COMMENTS: NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT  
 APPEALS AND INTERFERENCES**

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> 37 C.F.R. § 1.8	
<p>I hereby certify that this correspondence is being transmitted to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-2865 on the date below:</p>	
May 3, 2006	Steven L. Highlander
Date	Signature

**CONFIDENTIALITY NOTICE:** Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to Fulbright & Jaworski L.L.P. at the above address via the U.S. Postal Service at our expense.

25965184.1

HOUSTON • WASHINGTON D.C. • AUSTIN • SAN ANTONIO • DALLAS • NEW YORK • LOS ANGELES • MINNEAPOLIS • LONDON • HONG KONG

PAGE 1/2 \* RCVD AT 5/3/2006 4:43:11 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/1 \* DNI:2738300 \* CSID:512 536 4598 \* DURATION (mm:ss):00:48

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

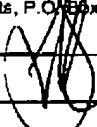
NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

OMRF:050US

RECEIVED  
CENTRAL FAX CENTER

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on May 3, 2006

Signature Typed or printed name Steven L. HighlanderIn re Application of  
John Harley and Judith JamesApplication Number  
08/781,296Filed  
01/13/97

For DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS

Art Unit

1631

Examiner

LORI A. CLOW

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1212. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration number 37,842.

attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

Signature

Steven L. Highlander  
Typed or printed name

512-536-3184

Telephone number

May 3, 2006

Date

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.**

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/04/2006 MBINAS 00000034 501212 08781296  
01 FC:2401 250.00 DA